

ENTERED

June 27, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**DANIEL VALLEJO RECIO,
“Petitioner,”

v.

BOBBY LUMPKIN,
“Respondent.”§
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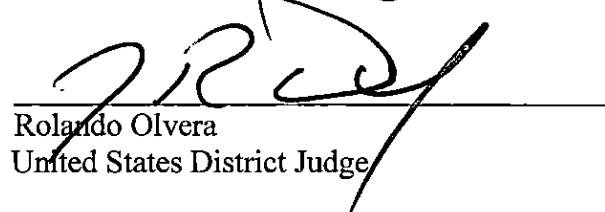
Civil Action No. 1:24-cv-00042

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Before the Court is the “Magistrate Judge’s Report and Recommendation” (“R&R”) (Dkt. No. 41). The R&R recommends this Court (1) dismiss Petitioner’s case without prejudice; (2) direct the Clerk of the Court to close this case; and (3) decline to issue a certificate of appealability.

Objections were due June 25, 2024. No objections were filed by either party.¹ If there have been no objections to the magistrate’s ruling, then the appropriate standard of review is “clearly erroneous, abuse of discretion and contrary to law.” *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R (Dkt. No. 41) is **ADOPTED**.

All claims in Petitioner’s § 2255 petition and supporting supplements (Dkt. Nos. 1 & 11) are **DISMISSED without prejudice**. The Court **DECLINES** to issue a certificate of appealability. The Clerk of the Court is **ORDERED** to close this case.

Signed on this 27th day of June, 2024.

 Rolando Olvera
 United States District Judge

¹ Court records show that Plaintiff refused to accept the R&R when it was delivered. Dkt. No. 21.